



Governor Brian Schweitzer

Montana **Department of Labor and Industry** **Business Standards Division**

STATEMENT ON PHYSICIAN AUTHORITY TO DELEGATE TASKS AND RESPONSIBILITIES

The Montana Board of Medical Examiners has been asked whether a physician's statutory authority to direct and/or delegate responsibility and duty to medical assistants and other unlicensed individuals in the physician's office may be restricted by adoption of a rule or regulation by another State Board. To clarify the Board's position on this issue, the Board offers the following observations and conclusions.

As set forth in 37-3-102(6), Montana Code Annotated, the "practice of medicine" means the diagnosis, treatment or correction of or the attempt to or the holding of oneself out as being able to diagnose, treat or correct human conditions, ailments, diseases, injuries, or infirmities, whether physical or mental, by any means, methods, devices, or instrumentalities.

Those who assist physicians in the practice of medicine, including physical therapists, technicians, or other paramedical specialists, are exempted from licensing requirements if they render services under the appropriate amount and type of supervision of a person licensed under the laws of this state to practice of medicine [emphasis added]. 37-3-103(1), Montana Code Annotated.

The foregoing sections clearly contemplate that the physician will delegate certain tasks and responsibilities to assistants. Thus the Board's conclusion is that physicians in the State of Montana are essentially issued unrestricted licenses to practice medicine and there presently exists no statute or other authority which restricts either the types of tasks which may be delegated, or to whom they may be delegated (with the exception of Title 37, Chapter 20, Montana Code Annotated, pertaining to the performance of a physician assistant-certified's services under an approved utilization plan), by a licensed physician.

This state supersedes the Board's prior statement issued on May 17, 1996.

Montana Board of Medical Examiners
November 20, 1999